



OFFICE OF THE COUNTY EXECUTIVE


Marc Elrich
County Executive

Tiffany Ward, Director
Office of Racial Equity and Social Justice

MEMORANDUM

July 30, 2021

To: Jennifer Bryant, Director
Office of Management and Budget

From: Tiffany Ward, Director
Office of Racial Equity and Social Justice 

Re: Supplemental Appropriation: Merit Protection Board REIA

- I. **FINDING:** The Office of Racial Equity and Social Justice finds that there is insufficient information to determine whether resolving the grievances at the Merit System Protection Board will advance racial equity and social justice in Montgomery County. Without data related to the race, ethnicity, and gender of the appellants and demographic makeup of the broader job classes categories they fill, ORESJ cannot conduct a complete analysis and therefore cannot assert whether this supplemental appropriation advances racial equity and social justice in the County.
- II. **BACKGROUND:** The purpose of Supplemental Appropriation #22-08 is to resolve 38 grievances at the Merit System Protection Board related to COVID pay. The grievances were brought by employees of the Montgomery County Fire and Rescue Service and the County Sheriff's Office. According to available settlement agreement documentation, both groups of appellants—management staff not represented by unions with which the County established COVID emergency pay guidelines—argued that they were entitled to COVID emergency pay. These claims were appealed through the Merit System Protection Board. Through the Board's proceedings the parties have agreed to a settlement resulting in back pay at a \$10 differential for all regular front-facing hours and \$15 for front-facing over-time hours for Sheriff's Office appellants; a similar resolution but for onsite work applies to Fire and Rescue appellants. Details about this particular settlement are available in relevant Settlement Agreement and Release documents.

This settlement recognizes the complex and ever-changing environment in which essential and frontline workers and management operated throughout the pandemic. When the pandemic began, and stay-at-home orders took effect in Maryland on March 5, 2020 large numbers of employees in essential and emergency services industries continued to work and often did so for longer hours and with increased risk of exposure to COVID-19. While workloads were increasing in response to the unfolding health emergency, staff sizes were fluctuating because of illness and quarantine among first responders and their families. For a sense of the scale, according to the National Fire Incident Reporting System (NFIRS), between January 1 and December 31, 2020, there were nationally more than 1.2 million confirmed or suspected fire service personnel responses to confirmed or suspected COVID-19 incidents¹. In Montgomery County, COVID-19 has disproportionately affected communities of color resulting in higher case counts and death². To maintain operational integrity and address the emergency needs created by the pandemic, staff roles often expanded and included activities typically designated to staff in subordinate categories, requiring staff with management responsibilities to engage in frontline activities.

- III. **DATA ANALYSIS:** There was no race, ethnicity or gender data available at the time of this analysis, and therefore it is unclear to what extent the resolution of these grievances affects a proportionate number of employees of color compared to their representation in relevant job class categories.

cc: Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

¹ <https://www.usfa.fema.gov/coronavirus/>

² <https://www.montgomerycountymd.gov/covid19/data/case-counts.html#deaths-demographics>